

REMARKS

Prior to this amendment, claims 1-11, 13-17, 19 were pending. By this Amendment, no claims are cancelled, and no claims are amended. Thus a total of 17 claims are now pending. No additional fees for claims are due.

Claim Rejections 35 USC 112

The Examiner rejected claims 1-11, 13-17, 19 for containing subject matter which was not described in the specification in such a way as to reasonable convey to one skill in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular the examiner said the specification as originally filed does not provide support for "a circular depression centered in said body planar surface, said depression having a circular sidewall and a flat floor wherein said floor is parallel to said body planar surface . . . a circular protrusion centered in said appendage planar surface, said protrusion having a circular sidewall and a flat roof wherein said roof is parallel to said appendage planar surface".

Applicant disagrees with the Examiners argument in that

these features were clearly disclosed in drawings as originally filed. The claim language at issue merely describes the geometry of the disclosed joint. Referring to Fig.s 3 & 4, the circular protrusion and depressions are clearly seen. Applicant is allowed to claim all that his specification discloses whether by description or drawings.

The MPEP says in part: 608 Disclosure [R-2]

In return for a patent, the inventor gives as consideration a complete revelation or disclosure of the invention for which protection is sought. All amendments or claims must find descriptive basis in the original disclosure, or they involve new matter. Applicant may rely for disclosure upon the specification with original claims and drawings, as filed.

(emphasis added by applicant)

Claim Rejections 35 USC 103

The Examiner rejected claims 1-11, 13-17, 19 under 35 USC 1032(a) as being unpatentable over Caputi ('260) in view of Numoto ('233) and Ogawa ('515).

Applicant believe that the Examiner has not identified sufficient reasons to combine Caputi ('260) in view of Numoto ('233) and Ogawa ('515).

Applicant respectfully submits that the Examiner has not identified a sufficient reason for combining the above

references, and instead the references teach away from their combination.

To present a prima facie case of obviousness, The Examiner must show that "there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue." KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, at 1740-41 (2007). The Examiner's analysis "should be made explicit." Id. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational under pinning to support the legal conclusion of obviousness". Id., citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006).

Applicant requests that the Examiner withdraw the pending 35 USC 103(a) rejection or alternatively provide explicit reasons as required by KSR.

If the Examiner believes a telephone call with the Applicant's representative would assist the prosecution of this case, the Examiner is hereby invited by the Applicant to do so.

In light of the amendments and remarks, applicant

respectfully submits that this application is now in condition for allowance, and an early Notice of Allowance is hereby respectfully requested.

Respectfully submitted,



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